

FILED

OCT 13 2006

*John Mitchell*

CLERK OF THE  
U.S. DISTRICT COURT  
DISTRICT OF COLUMBIA  
AND TAX COURT

## ORDER APPROVING AMENDED LOCAL RULES

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Mary R. Harper, Porter Circuit Court, 16 Lincolnway, Valparaiso, IN 46383; the Hon. Roger V. Bradford,

Porter Superior Court, 16 Lincolnway, #338, Valparaiso, IN 46383; the Hon. William E. Alexa, Porter Superior Court, 16 Lincolnway, Valparaiso, IN 46383; the Hon. Julia M. Jent, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995; the Hon. David L. Chidester, Porter Superior Court, 16 Lincolnway, #228, Valparaiso, IN 46383; the Hon. Jeffrey L. Thode, Porter Superior Court, 3560 Willowcreek Road, Portage, IN 46368-5995, and to the Clerk of the Porter Circuit and Superior Courts, and to post this Order on the Court's website dealing with local rule amendments.

The Clerk of the Porter Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

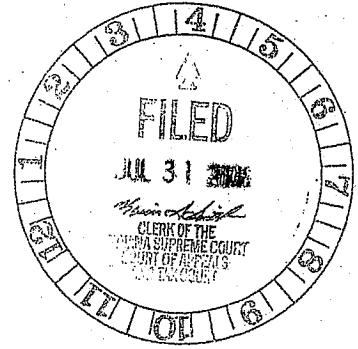
DONE at Indianapolis, Indiana, this 13<sup>th</sup> day of October, 2006.

Randall T. Shepard  
Randall T. Shepard  
Chief Justice of Indiana

**TO LOCAL RULES SCHEDULE UNDER**

**T.R. 81 AND ADMIN. R.1 (E)**

**In the  
Indiana Supreme Court**



IN THE MATTER OF )  
 )  
REQUEST FOR APPROVAL )  
 ) CASE NO.  
OF LOCAL RULES )  
 )  
FOR COURTS OF RECORD IN )  
 )  
PORTER COUNTY )

**REQUEST FOR APPROVAL OF LOCAL RULES**

The judges of the court of record of Porter County have decided to adopt the local rules indicated below and request Supreme Court approval for the following local rules for which Supreme Court approval is required:

1. Special judge selection rule pursuant to Trial Rule 79(H), can be found at LR64-AR01-3000.100;
2. Reassignment of criminal cases pursuant to Criminal Rule 2.2, can be found at LR64-CR13-4100;
3. Court reporter rule pursuant to Administrative Rule 15, can be found at LR64-AR15-7000;
4. Caseload allocation rule pursuant to Administrative Rule 1, can be found at LR64-AR01-3000 and LR64-CR2.2-4000.

The local rules indicated above have been published for comment pursuant to the schedule established by T.R. 81 (B) for not less than 45 days.

Accordingly, the judges of record of Porter County request approval of the above noted  
Local Rules.

Submitted this 31<sup>st</sup> day of July, 2006.

For the Court of Record of Porter County

Mary R. Harper

Typed name of submitting judge

Mary R Harper

Signature of submitting judge

## **PORTER CIRCUIT AND SUPERIOR COURTS**

### **Caseload Allocation Plan**

Based on the 2004 weighted caseload statistics, the Porter Circuit and Superior Courts are required to submit a caseload allocation plan in 2006. However, the 2005 weighted caseload statistics show a variance among the courts of less than 40 %. Therefore, no new caseload allocation plan is necessary.

The present caseload, which is being resubmitted, can be found in the Porter County Local Rules at rules numbered LR64-AR01-3000 and LR64-CR2.2-4000. Comments on the plan by the bar and the public will be received until July 1, 2006. Comments should be sent to Porter Circuit Court, 16 E. Lincolnway, Valparaiso, IN, 46383.

The courts will adopt the plan by July 31, 2006, and submit the plan to the Indiana Supreme Court by August 1, 2006. The plan, which must be approved by the Indiana Supreme Court, will be effective on January 1, 2007.

# **3000 SERIES**

## **PORTER COUNTY LOCAL CIVIL RULES**

### **LR64-ARO1-3000 CASE ASSIGNMENT**

**3000.10 Case Type Categories PL, CT, and MF.** The Clerk of the Court shall maintain an opaque container in which three black marbles, three white marbles, and three green marbles shall be placed. When a party wishes to file a new action of the case type category PL, CT, or MF, the deputy clerk receiving the filing after the costs have been paid, shall as the last function to complete the case filing, remove one marble from the opaque container without being able to see into said container. If the marble chosen is black, the case shall be filed and assigned to Superior Court #1 and shall be given a cause number beginning with 64D01. If the marble chosen is white, the case shall be filed and assigned to Superior Court #2 and shall be given a cause number beginning with 64D02. If the marble chosen is green, the case shall be filed and assigned to Circuit Court acting as Superior Court #5 and shall be given a cause number beginning with 64D05.

**3000.20** The marble chosen shall be placed in an opaque container separate from the one from which it was drawn. Subsequent cases to be filed shall be assigned by the same process. Once all nine (9) marbles have been removed from the original opaque container, they shall again be placed in the original container and the same process repeated for assignment of subsequent cases.

**3000.30** Case Type Category CC filings are to be assigned in increments of twenty (20) cases per Superior Division Courtroom beginning with filings for 64D01, thereafter 64D02, thereafter 64D05 and subsequently reverting to the same order.

**3000.40 Case Type Categories DR, RS, ES, EU, GU, and TR.** The Clerk shall maintain a second opaque container containing three marbles of one color (black) and three of a different color (white). For a total of six marbles. When a party files a new action in case type categories DR, RS, ES, EU, GU and TR in the Superior Division of the Court, the deputy clerk receiving the filing, after costs have been paid, shall as the last function to complete the case filing, remove one marble from the second opaque container without being able to see in the container. If the marble chosen is black, the case shall be assigned to Magistrate - Court I and shall be given a cause number beginning with 64D01. If the marble pulled is white, the case shall be assigned to Magistrate - Court II and shall be given a cause number beginning with 64D02. Marbles pulled for case assignment, once pulled, shall be set aside until the jar is emptied of the six marbles. The six marbles shall then be returned to the jar to start again.

**3000.50** In the event the filing of cases pursuant to paragraphs 300.10 and 300.4 of this rule shall result in a disparity of civil filings reflected by the Quarterly Case

Status Report (QCSR), the judges of the Superior Division may jointly direct the Clerk of the Court to assign case filings so as to eliminate the disparity.

**3000.60 Case Type Categories MH, AD, PO, or MI.** When a party wishes to file a new action of the case type categories MH, AD or PO, or MI: (non-domestic relations matters), they may file it with any judge of the Court who is available. Petitions for the Issuance of a Hardship License must be filed in the Court that ordered the driver's license suspension entered if that Court is located in Porter County.

**3000.70** Any domestic relations related matter that is required to be filed with the MI case designation is governed by Local Rule 300.40.

**3000.80 Venue Cases and Filings By Mail.** For cases venued into Porter County and cases filed by mail, the Clerk shall act on behalf of the parties for purposes of case assignment procedure.

**3000.90 Judicial Action Before Filing.** If a case being filed requires some action by a judge before filing, e.g., waiver of filing fees, the party filing the action must go to the Clerk's Office to determine case assignment before taking the case to the Judge. In such cases, no cause number will be assigned until the parties return to the Clerk after action by the Judge.

**3000.100 Selection of Special Judges Under Trial Rule 79(H).** In case type categories CT, MH, AD, PO, MI, PL, CC, and MF, and any other civil case type designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed under this section begins with 64D01, the judge of Porter Superior Court #3 shall be appointed special judge. If the cause number of the case begins with 64D02, the judge of Porter Superior Court #4 will be appointed special judge. If the cause number begins with 64D03, the judge of Porter Superior Court #1 will be appointed. If the cause number begins with 64D04, the judge of Porter Superior Court #2 will be appointed. If the cause number begins with 64D05 or 64C01, the judge of Porter Superior Court #6 will be appointed. If the cause number begins with 64D06, the judge of Porter Circuit Court, sitting as Superior Court #5 will be appointed.

**3000.110** In case type categories DR, RS, ES, EU, GU and TR, and any other domestic relations or estate related civil case designations as may hereafter be required to be reported on the Quarterly Case Status Report (QCSR), if the cause number of the case in which a special judge needs to be appointed begins with 64D01, 64D03, 64D05 or 64C01, Porter County Magistrate #2 shall be appointed as special judge. If the cause number of the case begins with 64D02, 64D04 or 64D06, then Porter County Magistrate #1 shall be appointed as special judge.

**LR64-CR13-4100 CHANGE OF VENUE FROM THE JUDGE,  
DISQUALIFICATION AND RECUSAL**

**4100.10 SUPERIOR DIVISION** The Court Administrator shall maintain an opaque container in which shall be placed one black marble, one white marble and one green marble. In the event that any judge of the Superior Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal Procedure, the Court Administrator shall select a marble from the above mentioned opaque container. The special judge shall be assigned based on the color of the marble chosen by applying LR64-CR2.2-4000.10. However, if applying LR64-CR2.2-4000.10 would result in the same judge who granted the change of venue being named as special judge, then the judge of Porter Superior Court #4 shall be named special judge in the case.

**4100.20 COUNTY DIVISION** The staff of each of the judges of the County Division of the Porter Superior Court shall maintain an opaque container in which shall be placed one blue marble, one yellow marble and one red marble. In the event that any judge of the County Division of the Porter Superior Court grants a change of venue from the judge under Rule 12 of the Indiana Rules of Criminal procedure, a staff member of that judge shall select a marble from the opaque container maintained at that Court.

If the marble drawn is red, the case shall be assigned to the judge of Porter Superior Court #3 as special judge. If the marble drawn is yellow, the case shall be assigned to the judge of Porter Superior Court #4 as special judge. If the marble drawn is blue, the case shall be assigned to the judge of Porter Superior Court #6 as special judge. However, if the color of the marble drawn would result in the same judge that granted the change of venue being named as special judge, then Porter Superior Court Magistrate #2 shall be named special judge in the case.

**4100.30** In the event that a special judge selected under paragraph 1 or 2 is disqualified under the Code of Judicial Conduct or excused from service by the Indiana Supreme Court, another marble shall be selected and the special judge assigned accordingly.

**4100.40** For felony, misdemeanor and infraction cases filed in the County Division of the Court, if the judge to whom a case is assigned under LR64-CR2.2-4000.20 of these rules is disqualified under the Code of Judicial Conduct or recuses himself/herself for any reason, the Court, based upon caseload and geographical considerations, sets out the following reassignment schedule:

Cases from 64D03 shall be reassigned to 64D06  
Cases from 64D04 shall be reassigned to 64D03  
Cases from 64D06 shall be reassigned to 64D04



# 7000 SERIES

## PORTER COUNTY ADMINISTRATIVE RULE

### LR64-AR15-7000 COURT REPORTER SERVICES

The undersigned courts comprise all of the courts of record of Porter County, Indiana, and hereby adopt the following local rule by which court reporter services shall be governed.

#### 7000.10 DEFINITIONS

- (1) A Court Reporter is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.
- (2) Equipment means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.
- (3) Work space means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.
- (4) Regular Page means the page unit of transcript which results when prepared in non-appellate fashion.
- (5) Appellate page means the page unit of transcript which results when prepared with marginal notes, footnotes, or headers, and Table of Contents in the form required by Indiana Rules of Appellate Procedure.
- (6) Recording means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.
- (7) Regular hours worked means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the court but remain the same for each work week.
- (8) Gap hours worked means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per work week.

- (9) Overtime hours worked means those hours worked in excess of forty (40) hours per work week.
- (10) Work week means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.
- (11) Court means the particular court for which the court reporter performs services. Court may also mean all of the courts in Porter County.
- (12) County indigent transcript means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (13) State indigent transcript means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.
- (14) Private transcript means a transcript, including but not limited to a deposition transcript, that is paid for by a private party.
- (15) Expedited transcript means any transcript requested to be delivered sooner than one week before the record is due to be filed with the Clerk of the Court of Appeals.

#### **7000.20 SALARIES AND PER PAGE FEES**

- (1) Court reporters shall be paid an annual salary for time spent working under the control, direction and direct supervision of their supervising court during any regular work hours, gap hours or overtime hours. The supervising court shall enter into written agreement with the court reporters which outlines the manner in which the court reporter is to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.
- (2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be a regular page rate of \$3.50 per page; \$3.75 per page, appellate pay rate; and an expedited rate of \$6.50 per page for expedited transcripts. The court reporter shall submit directly to the county a claim for the preparation of the county indigent transcript. In setting this rate, we take into account the use of county equipment for transcription.
- (3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be a regular page rate of \$4.00 per page, payable as follows: \$3.50 per page directly to the court reporter and \$ .50 per page paid directly to the county if county equipment is used for transcription; and \$4.25 per page, appellate page rate, payable as follows: \$3.75 per page payable directly to the court reporter and \$ .50 per page paid directly to the county if county equipment is used for transcription; and an expedited rate of \$6.50 per page for

expedited transcripts, with \$ .50 per page paid directly to the county if county equipment is used for transcription.

- (4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be a regular page rate of \$5.00 per page, payable as follows: \$4.50 per page payable directly to the court reporter and \$ .50 per page paid directly to the county if county equipment is used for transcription; \$5.25 per page, appellate page rate, payable as follows: \$4.75 per page payable directly to the court reporter and \$ .50 per page payable directly to the county if county equipment is used for transcription; and an expedited rate of \$8.50 per page for expedited transcripts, with \$ .50 per page paid directly to the county if county equipment is used for transcription.
- (5) The maximum fee that a court reporter may charge for copies shall be \$2.00 per page.
- (6) The minimum fee that a court reporter may charge for transcripts is \$35.00.
- (7) An additional labor charge of the hourly rate based upon the court reporter's annual court compensation may be charged for the time spent binding the transcript and exhibits.
- (8) Each court reporter shall report, at least on an annual basis, all transcript fees received for the preparation of either county indigent, state indigent or private transcripts to the Indiana Supreme Court Division of State Court Administration. The reporting shall be made on forms prescribed by the Division of State Court Administration.

#### **7000.30 PRIVATE PRACTICE.**

- (1) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, and the court reporter desires to utilize the court's equipment, work space and supplies, and the court agrees to the use of the court equipment for such purpose, the court and the court reporter shall enter into a written agreement which must, at a minimum, designate the following:
  - (a) The reasonable market rate for the use of equipment, work space and supplies;
  - (b) The method by which records are to be kept for the use of equipment, work space and supplies; and

- (c) The method by which the court reporter is to reimburse the court for the use of the equipment, work space and supplies.
- (2) If a court reporter elects to engage in private practice through the recording of a deposition and/or preparing of a deposition transcript, all such private practice work shall be conducted outside of regular working hours.

# 4000 SERIES

## PORTER COUNTY LOCAL CRIMINAL RULES

### LR64-CR2.2- 4000 CASE ASSIGNMENT AND ALLOCATIONS

**4000.10 Superior Division.** The Administrator of this Court shall maintain two opaque containers. In each shall be placed four (4) black marbles, four (4) white marbles and four (4) green marbles. One container shall be designated for use in Class D felony charges to be filed in the Superior Division and the other container shall be used for all other criminal charges filed in the Superior Division. Whenever the Prosecuting Attorney of Porter County wishes to initiate a criminal action in the Superior Division of the Court, the Prosecutor shall first go to the Office of the Court Administrator for purposes of determining before which judge the case shall be filed.

The Court Administrator shall remove one (1) marble from the appropriate opaque container. If the marble chosen is black, the Prosecutor shall be directed to take the probable cause affidavit and the charging information to Porter Superior Court #1 for approval and filing. If the marble chosen is white, the Prosecutor shall be directed to Superior Court #2, and if the marble chosen is green, the Prosecutor shall be directed to Circuit Court acting as Superior Court #5. After the Prosecutor is directed to the designated court, the marble chosen shall be placed in an opaque container separate from the original container. Subsequent criminal cases shall be assigned by this same process. Once all twelve (12) marbles have been removed from the original opaque container, they shall be replaced in the original container and the same process will be followed for assignment of subsequent cases. In addition, the Court Administrator shall remove a number of marbles of the same color which corresponds with the number of multiple defendants when the case assigned has multiple defendants.

\_\_\_\_\_ Class D felony charges filed in the Clerk's Office shall be assigned to Superior Courts 1, 2 and 5 on a rotating basis.

### **4000.20 County Division Case Assignment and Allocation.**

The County Division of the Court shall maintain a felony docket, a misdemeanor docket and a traffic infractions docket. Filings on the dockets shall be done in accordance with this Rule as follows:

- (1) Porter Superior Court #3: Porter Superior Court #3 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana Department of Natural Resources; Indiana State Police Toll Road (District #11); Beverly Shores Police Department; the Department of Transportation, Northern

Indiana Commuter Transit Department; Porter County Sheriff's Police; and traffic misdemeanors filed by the Porter County Sheriff. Porter Superior Court #3 shall receive filings from the first five in-custody felony case filings in each month that would have been filed in Porter Superior Court #6 pursuant to this rule.

Porter Superior Court #4: Porter Superior Court #4 shall receive filings from the following police departments: City of Valparaiso; Town of Kouts; Town of Hebron; and Valparaiso University Police Department.

Porter Superior Court #6: Porter Superior Court #6 shall receive misdemeanor, felony and infraction filings from the following police departments: Indiana State Police (District #13); Lowell Post; Portage Police Department; Chesterton Police Department; Ogden Dunes Police Department; Burns Harbor Police Department; and Porter Police Department.

- (2) This Rule shall also govern the filing of ordinance violation cases.
- (3) The County Division of the Court will not accept the filing of Class A, B, C or D Felonies except:
  - (A) Class D Felony for Battery and accompanying charges resulting from the same arrest where the most serious charge is a Class D felony.
  - (B) Class D felony cases which include a charge under Title 9. These shall be filed in the County Division.
- (4) Narcotics Unit filings are treated as being filed by the Porter County Sheriff.

Nothing in this section shall prevent the County Division Courts from directing filings between the Courts in order to equalize work loads of the several respective courts.

#### **4000.30 Transfers.**

(1) It shall be the policy of the Porter Superior Courts, that whenever possible consistent with good case management principles, cases involving the same defendant shall be transferred into one court for resolution of all of the pending cases.

(2) MISDEMEANORS: Any subsequent Misdemeanor case filed against a defendant may be transferred to the Court where the defendant's oldest existing misdemeanor case is pending. In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the new Misdemeanor case shall be transferred to the probation case, unless the new Misdemeanor case can be resolved without the resolution of the probation case. Pending as defined herein means any existing Misdemeanor case which is in pre-disposition status.

(3) D FELONY CASES: Any subsequent Misdemeanor or Class D Felony case may be transferred to the Court where the defendant's oldest existing Class D Felony case is pending. In the event the defendant has an open probation case pending in any court and is subsequently charged with a D Felony case, the D Felony case may be transferred to the open probation case, unless the D Felony case can be resolved without the resolution of the probation case.

(4) MURDER, A, B, and C FELONY CASES: Any subsequently filed Misdemeanor or D Felony case may be transferred to the court where the defendant's oldest Major Felony case is pending. However, no new Misdemeanor case involving Title 9 (traffic) may be transferred without prior agreement of both the sending and receiving court.

(5) Any Court may choose to "opt out" of transferring or receiving transferred cases by notifying the other Superior Courts of their election to not transfer or accept transferred cases.